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761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: February 26, 2010

OFFICE CORRESPONDENCE

FILE NO. FO2239690

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY MICHAEL SPINA #[redacted]
DEPUTY ROMAN FOSS #[redacted]
CRESCENTA VALLEY STATION

On March 8, 2009, at approximately 1200 hours, Deputies Michael Spina and Roman Foss used force with Suspect John Weber which resulted in the suspect sustaining a fractured elbow.

Deputies Michael Spina, Roman Foss, and Rodriguez Caroline effected a patrol check of the location, an abandoned house, pursuant to an Abatement of Public Nuisances Order. Upon their arrival, the deputies saw several individuals trespassing in the front yard of the location. The deputies detained those individuals and were checking the abandoned residence when they discovered Suspect Weber in the garage.

Deputies Spina and Foss contacted Suspect Weber and directed him to exit the garage but the suspect refused. The deputies gained control of Suspect Weber's arms and pulled him out of the garage through the damaged garage door. Suspect Weber landed face down on a couch which was adjacent to the garage door. During handcuffing, a struggle ensued and Suspect Weber's right elbow was fractured. He was treated at Verdugo Hills Hospital.

It was later determined that Suspect Weber had a felony warrant issued for his arrest pursuant to his status as a parolee at large, 3056 PC, [redacted]

On February 11, 2010, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Michael Spina #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/025.00, Use of Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Roman Foss #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:YLW/ylw

761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: March 19, 2010

OFFICE CORRESPONDENCE FILE NO. FO2239690

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP & TRAINING DIVISION

TO: DAVID M. SILVERSPARRE, CAPTAIN
CRESCENTA VALLEY STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS US OF FORCE**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on March 9, 2009.

The Committee met on February 11, 2010 and consisted of me, Commander Daryl Evans, Technical Services Division, and Commander Stephen B. Johnson, Custody Operations Division. The Committee determined the use of force by Deputies Michael Spina #[redacted] and Roman Foss #[redacted] was within Department policy.

Please advise the deputies of this finding.

EBS:YLW/ylw

DEPUTIES NOTIFIED

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D. Silversparre
Noted

FILE IN UNIT'S FORCE PACKAGE FILE